

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JORDAN L. RAUCH,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00501

KEEFE COMMISSARY NETWORK, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On July 23, 2020, the Plaintiff, proceeding *pro se*, filed his *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) and his *Complaint* (Document 2). Subsequently, on September 14, 2020, the Plaintiff filed a letter-form motion (Document 6) seeking to withdraw his case.

By *Administrative Order* (Document 5) entered on July 24, 2020, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On September 16, 2020, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 7) wherein it is recommended that this Court grant in part and deny in part the Plaintiff's letter-form motion to withdraw, dismiss the Plaintiff's *Complaint* without prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by October 5, 2020.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** as follows:

- 1) The Plaintiff's letter-form motion to withdraw (Document 6) is **GRANTED IN PART AND DENIED IN PART**; specifically, the motion is **DENIED** to the extent the Plaintiff seeks a refund of his filing fee (inasmuch as no filing fee was paid), and the motion is **GRANTED** to the extent the Plaintiff seeks to dismiss his *Complaint*;
- 2) The Plaintiff's Complaint (Document 2) is **DIMISSED without prejudice**; and
- 3) This case is **REMOVED** from the Court's docket.

Lastly, the Court **ORDERS** that the Plaintiff's *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) is **TERMINATED AS MOOT**.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: October 14, 2020



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA